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Attorney Docket No.: P-4815-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): CHAIN, Daniel G. et al. Examiner: Patricia Ann Duffy
Serial No.: 09/402,820 Group Art Unit: 1645
Filed: October 12, 1999
Title: RECOMBINANT ANTIBODY SPECIFIC FOR BETA - AMYLOID ENDS,
DNA ENCODING AND METHOD OF USE THEREOF

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR 1.181(a)
AND PETITION TO REVIVE FOR UNINTENTIONAL ABANDONEMENT

Sir:

This Petition to Withdraw Notice of Abandonment is filed in response to the Notice of Abandonment dated January 11, 2005 issued by the United States and Trademark Office in connection with the above-identified Application. A copy of the Notice is attached hereto as **Appendix A**. In the Notice of Abandonment it is stated that this application is abandoned in view of the Applicant's failure to timely file a proper reply to the Office Communication mailed on April 28, 2004.

It is respectfully submitted that the Notice was issued in error, and therefore, Applicants hereby petition for its withdrawal. We have identified in PAIR, a copy of the Office Communication that was allegedly sent to our office on April 28, 2004. However, we have not received the physical paper of the Office Communication and we can not identify the same in our docketing system.

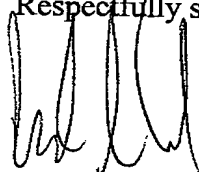
APPLICANT(S): CHAIN, Daniel G. et al.
SERIAL NO.: 09/402,820
FILED: October 12, 1999
Page 2

Applicant hereby attach as **Appendix B**, a copy of the file docket. As shown, no Official Communication was docketed at April 28, 2004 that required our response.

Applicant can only assume that the reason for not receiving the Office Communication dated April 28, 2004 was due to mailing problems. For at least the reasons stated above, applicants respectfully request under 37 CFR 1.181(a) the Notice of Abandonment be withdrawn and that this patent application be allowed to issue without further delay.

No fee is required to file this petition. However, if any fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 05-0649.

Respectfully submitted,



Mark S. Cohen
Attorney for Applicant(s)
Registration No. 42,425

Dated: February 2, 2005

Eitan, Pearl, Latzer & Cohen Zedek, LLP.
10 Rockefeller Plaza, Suite 1001
New York, NY 10020
Tel: (212) 632-3480
Fax: (212) 632-3490

APPENDIX A



FEB 03 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,820	10/12/1999	DANIEL G. CHAIN	CHAIN=1B	6495

27130 7590 01/11/2005
EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

EXAMINER

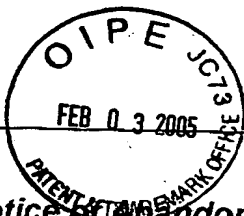
DUFFY, PATRICIA ANN

ART UNIT PAPER NUMBER

1645

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/402,820

Examiner

Patricia A. Duffy

Applicant(s)

CHAIN, DANIEL G.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 28 April 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

A call was placed to the attny of record on 12-18-04 and a message was left indicating that no reply had been received to the notice of non-compliant amendment of 4-28-04 and that the case would be abandoned in the new year. Applicants were advised to call the Exr if a reply was in fact mailed.

Patricia A. Duffy
Patricia A. Duffy
Primary Examiner
Art Unit: 1645

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 01080!

APPENDIX B

Find File

Send as

Specific

Filing

ML

Fax

Applicant

MINDSET.US

Reports

Word

Active

Atty

IG

Get Mail

File

Screen

Family

Application

09/402/820

Awaiting Office Action / Notice of Allowance.

Chg

Cite

Ad

Status

File Number

Code

Action Date

Status

Status Date

COMMENT

See Charge

P-4815-US

D-APP

12-Oct-1999

CND

12-Oct-99

P-4815-US

FFD

12-Oct-1999

CND

14-Sep-00

P-4815-US

IDS

25-Sep-2000

CND

11-Dec-00

P-4815-US

PRELIM.AM

25-Sep-2000

CND

02-Sep-00

P-4815-US

D-RR

14-Mar-2001

CND

14-Mar-01

P-4815-US

R-OA

23-Jul-2001

C

14-Aug-01

14/08/2001 r2CM

P-4815-US

D-OA

23-Aug-2001

C

14/08/2001 r2CM

P-4815-US

ROADEAD

23-Oct-2001

C

23-Oct-01

assoc filed this -10/10/2001 r2CM

P-4815-US

OADEAD

23-Nov-2001

C

P-4815-US

D-IDS

26-Nov-2001

CND

26-Nov-01

from EP search Report

P-4815-US

POA

28-Nov-2001

C

11-Mar-02

filed-10/3/2002 sent 4 filing;28/1

P-4815-US

ABSORB

23-Jan-2002

C

03-Feb-02

P-4815-US

LS-HD

10-Mar-2002

C

30-Nov-03

P-4815-US

D-IDS

16-May-2002

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16-May-02

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16-May-2002

C

02-Jun-02

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P-4815-US

LS-HD

7-Oct-2002

C

30-Nov-03

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DOC

7-Oct-2002

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07-Oct-02

filed-communication to Examiner

P-4815-US

RPT2CL

5-May-2003

C

11-May-03

sent to cl on 5 May 2003

P-4815-US

R-IDS

21-May-2003

C

31-Jul-03

Filed 16/7/03 - from PC1

P-4815-US

D-IDS

21-Jun-2003

C

31-Jul-03

Filed 16/7/03 - from PC1

P-4815-US

R-OA

22-Jun-2003

C

30-Nov-03

Final Office Action

P-4815-US

D-OA

22-Jul-2003

C

30-Nov-03

filed 22/10/03;Final Office Action

P-4815-US

ROADEAD

22-Sep-2003

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Response to OA & Notice of appe

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D-APPEAL

22-Dec-2003

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07-Jul-04

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RAPLDEAD

22-Mar-2004

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07-Jul-04

filed 22/4-FILED RCE + EXT OF T

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22-Apr-2004

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APLDEAD

22-Apr-2004

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07-Jul-04

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22-Apr-2004

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P-4815-US	R-IDS	6-Sep-2004			from JP
P-4815-US	D-IDS	6-Oct-2004			from JP
P-4815-US	ABND	11-Jan-2005			RCV 14/1
P-4815-US	D-REVIVE	11-Feb-2005			
<div> <div>Table Update</div> <div>Actions</div> <div>Cig Status Log</div> <div>All Files Status</div> <div>©</div> <div>©</div> </div>					